

GAHC010081282024



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : Bail Appln./1169/2024

HAZERA BEGUM @ HANUFA
W/O IBRAHIM SHEIKH
R/O GANDHIBASTI TINIAL
P.S. CHANDMARI,
DIST. KAMRUP (M), ASSAM
PERMANENT RESIDENT OF SONAIKHULA GAON, P.S. BIJNI
DIST. BONGAIGAON, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. S MUNIR

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 20.05.2024

Heard Mr. S. Munir, learned counsel for the petitioner. Also heard Mr. R.J. Baruah, learned Additional Public Prosecutor appearing for the State.

This is an application made under **Section 439 Cr.P.C.**, seeking bail by

the petitioner, namely, **Hazera Begum @ Hanufa**, in connection with **Chandmari P.S. Case No. 86/2024**, registered under **Section 21(b)/29 of NDPS Act**.

It is submitted by the learned counsel for the petitioner that no any contraband was recovered from the possession of the present petitioner. The contraband was seized from the possession of one Bitu Das who was arrested along with narcotic substance and subsequently, he has implicated the present petitioner that he had brought such contraband from the petitioner and accordingly, the petitioner was arrested. It is also submitted that only 5.23 grams of suspected heroine was recovered from the possession of co-accused Bitu Das. It is also submitted that the petitioner has been detained for last 46 days since 05.04.2024. Considering the background of the case as well as the length of detention, bail may be granted to the petitioner.

On the other hand, Mr. Baruach, learned Additional Public Prosecutor for the State has produced the case diary without FSL report. He has submitted that as per seizure list, narcotic substance was recovered from the possession of co-accused Bitu Das and he has implicated the present petitioner. Therefore, he has strong objection regarding the prayer of the petitioner.

I have considered the submissions made by the parties. I have also perused case diary.

It appears that nothing was recovered from the possession of the present petitioner and she was arrested only on the statement of the co-accused. Considering the fact as well as the length of detention of the petitioner, this Court is of the view that further custodial interrogation of the accused-petitioner is not necessary for the purpose of investigation of the case.

Accordingly, the accused-petitioner, named above, shall be released on bail

in connection with **Chandmari P.S. Case No. 86/2024**, registered under **Section 21(b)/29 of NDPS Act**, on furnishing bail bond of **Rs.50,000/- with two suitable sureties** of the like amount to the satisfaction of learned Special Judge, Kamrup(M), Assam.

The direction for bail is further subject to the conditions that the accused-petitioner:

- (a) shall not leave the territorial jurisdiction of learned Special Judge, Kamrup(M), Assam without prior written permission from him/her;
- (b) shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.

In terms of the above, this bail application stands disposed of.

Send back the case diary.

JUDGE

Comparing Assistant